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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Southern District of Illinois on the following

☐ Trademarks or ☒ Patents. (☒ the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 11-493-GPM/SCW	DATE FILED 6/13/2011	U.S. DISTRICT COURT Southern District of Illinois
PLAINTIFF Commercial Lawn Irrigation, Inc.		DEFENDANT Monrovia Nursery Company, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 Plant Pat. 1,238	1/5/1954	Monrovia Nursery Company, Inc.
2 Plant Pat. 1,242	1/19/1954	Monrovia Nursery Company, Inc.
3 Plant Pat. 1,431	11/8/1955	Monrovia Nursery Company, Inc.
4 Plant Pat. 1,477	5/8/1956	Monrovia Nursery Company, Inc.
5 Plant Pat. 1,478	5/8/1956	Monrovia Nursery Company, Inc.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT IT IS ORDERED that pursuant to the Order entered by this Court on April 2, 2012, this action be DISMISSED with prejudice, and each party shall bear their own costs.
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CLERK Nancy J. Rosenstengel	(BY) DEPUTY CLERK s/ Lisa M. Braun	DATE 4/19/2012
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	Patent or Trademark No.	Date of Patent or Trademark	Holder of Patent or Trademark
6	Plant Pat. 1,842	6/9/1959	Monrovia Nursery Company, Inc.
7	Plant Pat. 1,960	7/19/1960	Monrovia Nursery Company, Inc.
8	Plant Pat. 2,116	12/26/1961	Monrovia Nursery Company, Inc.
9	Plant Pat. 2,212	1/8/1963	Monrovia Nursery Company, Inc.
10	Plant Pat. 2,231	2/26/1963	Monrovia Nursery Company, Inc.
11	Plant Pat. 2,250	4/9/1963	Monrovia Nursery Company, Inc.
12	Plant Pat. 2,370	3/3/1964	Monrovia Nursery Company, Inc.
13	Plant Pat. 2,434	8/11/1964	Monrovia Nursery Company, Inc.
14	Plant Pat. 2,491	8/11/1964	Monrovia Nursery Company, Inc.
15	Plant Pat. 2,544	7/13/1965	Monrovia Nursery Company, Inc.
16	Plant Pat. 2,630	5/24/1966	Monrovia Nursery Company, Inc.
17	Plant Pat. 2,667	9/6/1966	Monrovia Nursery Company, Inc.
18	Plant Pat. 2,685	11/8/1966	Monrovia Nursery Company, Inc.
19	Plant Pat. 2,753	7/18/1967	Monrovia Nursery Company, Inc.
20	Plant Pat. 2,754	7/18/1967	Monrovia Nursery Company, Inc.
21	Plant Pat. 2,760	8/22/1967	Monrovia Nursery Company, Inc.
22	Plant Pat. 2,860	1/28/1969	Monrovia Nursery Company, Inc.
23	Plant Pat. 2,861	2/18/1969	Monrovia Nursery Company, Inc.
24	Plant Pat. 3,004	11/17/1970	Monrovia Nursery Company, Inc.
25	Plant Pat. 3,038	4/6/1971	Monrovia Nursery Company, Inc.
26	Plant Pat. 3,047	4/20/1971	Monrovia Nursery Company, Inc.
27	Plant Pat. 3,169	5/16/1972	Monrovia Nursery Company, Inc.
28	Plant Pat. 3,187	5/23/1972	Monrovia Nursery Company, Inc.
29	Plant Pat. 3,193	5/23/1972	Monrovia Nursery Company, Inc.
30	Plant Pat. 3,211	6/20/1972	Monrovia Nursery Company, Inc.
31	Plant Pat. 3,324	5/1/1973	Monrovia Nursery Company, Inc.
32	Plant Pat. 3,349	5/29/1973	Monrovia Nursery Company, Inc.

	Patent or Trademark No.	Date of Patent or Trademark	Holder of Patent or Trademark
33	Plant Pat. 3,517	3/12/1974	Monrovia Nursery Company, Inc.
34	Plant Pat. 3,675	1/17/1975	Monrovia Nursery Company, Inc.
35	Plant Pat. 3,736	7/1/1965	Monrovia Nursery Company, Inc.
36	Plant Pat. 3,801	11/11/1975	Monrovia Nursery Company, Inc.
37	Plant Pat. 3,815	12/16/1975	Monrovia Nursery Company, Inc.
38	Plant Pat. 3,839	3/9/1976	Monrovia Nursery Company, Inc.
39	Plant Pat. 4,142	11/1/1977	Monrovia Nursery Company, Inc.
40	Plant Pat. 4,145	11/8/1977	Monrovia Nursery Company, Inc.
41	Plant Pat. 4,226	3/21/1978	Monrovia Nursery Company, Inc.
42	Plant Pat. 4,271	6/27/1978	Monrovia Nursery Company, Inc.
43	Plant Pat. 4,409	4/24/1979	Monrovia Nursery Company, Inc.
44	Plant Pat. 4,458	9/4/1979	Monrovia Nursery Company, Inc.
45	Plant Pat. 4,684	4/7/1981	Monrovia Nursery Company, Inc.
46	Plant Pat. 4,685	4/7/1981	Monrovia Nursery Company, Inc.
47	Plant Pat. 4,718	5/19/1981	Monrovia Nursery Company, Inc.
48	Plant Pat. 4,803	1/19/1982	Monrovia Nursery Company, Inc.
49	Plant Pat. 4,864	7/6/1988	Monrovia Nursery Company, Inc.
50	Plant Pat. 4,878	8/17/1962	Monrovia Nursery Company, Inc.
51	Plant Pat. 4,919	11/2/1982	Monrovia Nursery Company, Inc.
52	Plant Pat. 4,995	3/15/1983	Monrovia Nursery Company, Inc.
53	Plant Pat. 5,078	8/2/1983	Monrovia Nursery Company, Inc.
54	Plant Pat. 5,084	8/9/1983	Monrovia Nursery Company, Inc.
55	Plant Pat. 5,136	11/8/1983	Monrovia Nursery Company, Inc.
56	Plant Pat. 5,143	11/2/1983	Monrovia Nursery Company, Inc.
57	Plant Pat. 5,195	2/28/1984	Monrovia Nursery Company, Inc.
58	Plant Pat. 5,520	7/23/1985	Monrovia Nursery Company, Inc.
59	Plant Pat. 5,649	1/28/1986	Monrovia Nursery Company, Inc.

	Patent or Trademark No.	Date of Patent or Trademark	Holder of Patent or Trademark
60	Plant Pat. 5,656	2/4/86	Monrovia Nursery Company, Inc.
61	Plant Pat. 5,834	12/16/1986	Monrovia Nursery Company, Inc.
62	Plant Pat. 5,862	1/20/1987	Monrovia Nursery Company, Inc.
63	Plant Pat. 6,127	3/15/1988	Monrovia Nursery Company, Inc.
64	Plant Pat. 6,178	5/17/1988	Monrovia Nursery Company, Inc.
65	Plant Pat. 6,205	6/21/1988	Monrovia Nursery Company, Inc.
66	Plant Pat. 6,266	8/30/1988	Monrovia Nursery Company, Inc.
67	Plant Pat. 6,349	10/25/1988	Monrovia Nursery Company, Inc.
68	Plant Pat. 6,383	11/8/1988	Monrovia Nursery Company, Inc.
69	Plant Pat. 6,449	12/6/1988	Monrovia Nursery Company, Inc.
70	Plant Pat. 6,473	2/20/1988	Monrovia Nursery Company, Inc.
71	Plant Pat. 6,656	3/7/1989	Monrovia Nursery Company, Inc.
72	Plant Pat. 6,772	5/2/1989	Monrovia Nursery Company, Inc.
73	Plant Pat. 6,877	6/27/1989	Monrovia Nursery Company, Inc.
74	Plant Pat. 6,892	7/4/1989	Monrovia Nursery Company, Inc.
75	Plant Pat. 6,959	8/1/1989	Monrovia Nursery Company, Inc.
76	Plant Pat. 6,962	8/1/1989	Monrovia Nursery Company, Inc.
77	Plant Pat. 7,030	9/12/1989	Monrovia Nursery Company, Inc.
78	Plant Pat. 7,062	12/5/1989	Monrovia Nursery Company, Inc.
79	Plant Pat. 7,205	3/27/1990	Monrovia Nursery Company, Inc.
80	Plant Pat. 7,207	3/27/1990	Monrovia Nursery Company, Inc.
81	Plant Pat. 7,210	4/3/1990	Monrovia Nursery Company, Inc.
82	Plant Pat. 7,222	4/24/1990	Monrovia Nursery Company, Inc.
83	Plant Pat. 7,270	7/17/1990	Monrovia Nursery Company, Inc.
84	Plant Pat. 7,282	7/31/1990	Monrovia Nursery Company, Inc.
85	Plant Pat. 7,456	2/26/1991	Monrovia Nursery Company, Inc.
86	Plant Pat. 7,552	6/11/1991	Monrovia Nursery Company, Inc.

	Patent or Trademark No.	Date of Patent or Trademark	Holder of Patent or Trademark
87	Plant Pat. 7,626	8/20/1991	Monrovia Nursery Company, Inc.
88	Plant Pat. 7,822	3/10/1992	Monrovia Nursery Company, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

COMMERCIAL LAWN IRRIGATION,) INC.,)) Plaintiff,)) vs.)) MONROVIA NURSERY COMPANY, INC.)) Defendant.))	CIVIL NO. 11-493-GPM-SCW
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MEMORANDUM AND ORDER

MURPHY, District Judge:

On September 16, 2011, President Barack Obama signed into law the Leahy-Smith America Invents Act. Leahy-Smith America Invents Act, Pub. L. No. 112-29 (125 Stat. 284) (Sep.16, 2011). This new legislation amended 35 U.S.C. § 292, in a multitude of ways, including changing who can sue for the penalty authorized by 35 U.S.C. § 292(a). *Id.* Prior to the amendment, any person could sue for the penalty. See 35 U.S.C. § 292(b). Now, “[o]nly the United States may sue for the penalty authorized by this subsection.” Leahy-Smith America Invents Act, Pub. L. No. 112-29 (125 Stat. 284) (Sep.16, 2011). The new legislation also amended 35 U.S.C. § 292 by adding the following subsection: “(c) The marking of a product, in a manner described in subsection (a), with matter relating to a patent that covered that product but has expired is not a violation of this section.” *Id.* “The amendments made by this subsection shall apply to all cases, without exception, that are pending on, or commenced on or after, the date of the enactment of this Act.” *Id.*

Plaintiff Commercial Lawn Irrigation Inc., claims that 35 U.S.C. § 292, as amended, is

unconstitutional for multiple reasons. The United States of America, through the United States Attorney for the Southern District of Illinois, was given leave to intervene in the action and subsequently filed a brief defending the constitutionality of 35 U.S.C. § 292, as amended.

The Court finds 35 U.S.C. § 292, as amended, *is* constitutional. The Court adopts the reasoning articulated by Chief Judge David R. Herndon in his March 20, 2012 Order for case number 11-cv-190-DRH. Therefore, this case is **DISMISSED with prejudice**.

IT IS SO ORDERED.

DATED: April 2, 2012

/s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

COMMERCIAL LAWN IRRIGATION,)	
INC.,)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 11-493-GPM-SCW
)	
MONROVIA NURSERY COMPANY, INC.)	
)	
Defendants.)	

JUDGMENT IN A CIVIL CASE

This action came before the Court, District Judge G. Patrick Murphy, and the following decision was reached:

IT IS ORDERED that pursuant to the Order entered by this Court on April 2, 2012, this action be **DISMISSED with prejudice**, and each party shall bear their own costs.

DATED: April 2, 2012

NANCY J. ROSENSTENGEL, CLERK

By: s/ Linda M. McGovern
Deputy Clerk

APPROVED: /s/ G. Patrick Murphy
G. Patrick Murphy
United States District Judge